

Remarks

The Advisory Action mailed January 20, 2006 and the Final Office Action mailed October 4, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

In accordance with 37 C.F.R. 1.136(a), a one month extension of time is submitted herewith to extend the due date of the response to the Office Action dated October 4, 2005, for the above-identified patent application from January 4, 2006, through and including February 4, 2006. In accordance with 37 C.F.R. 1.17(a)(1), authorization to charge a deposit account in the amount of \$120.00 to cover this extension of time request also is submitted herewith.

Claims 1-22 are now pending in this application. Claims 1-22 stand rejected.

The rejection of Claims 1-6, 8-12 and 14-22 under 35 U.S.C. § 102(b) as being anticipated by Stevenson (U.S. Patent 6,737,570) is respectfully traversed.

Stevenson describes a battery powered personal audio device having touch operators. The personal audio device may play back audio files such as compact disc or digital audio stream. The user may interject sounds or audio effects onto the ongoing playback of the audio by operating one or more touch operators. Additionally, the operator may interject the users voice into the playback via a microphone integrally formed into the personal audio device. The playback of the audio is then transmitted to headphones. Notably, the microphone and the headphones are separately provided from one another.

Claim 1 recites an apparatus including "a headset comprising a microphone and a headphone...a music generation device...a processing unit contained in a single housing, said processing unit electrically coupled with said headset and said music generation device for receiving a first input signal from said microphone and a second input signal from said music generation device, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal, wherein the output signal is transmitted to said headphone to enable a user to hear the output...a user input interface coupled to said housing of said processing unit, said user interface configured to control the

output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Stevenson does not describe nor suggest an apparatus as recited in Claim 1. More specifically, Stevenson does not describe nor suggest a headset having a microphone and a headphone. Accordingly, Stevenson does not describe or suggest a processing unit electrically coupled with a headset. Rather, in contrast to the present invention, Stevenson describes a personal audio device configured to play back audio files and receive sounds or audio effects in the ongoing playback of the audio by operating one or more touch operators. The operator interjects the operators voice into the playback via a microphone integrally formed into the personal audio device. The playback of the audio is then transmitted to headphones. Notably, the microphone and the headphones are separately provided from one another. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Stevenson.

Claims 2-6 depend from independent Claim 1. When the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-6 likewise are patentable over Stevenson.

Turning specifically to Claim 5, Claim 5 recites that “said microphone and said headphone are coupled to one another such that a relative position of said microphone is configured to be fixed with respect to said headphones.” As noted above, Stevenson’s headphones and microphone are separately provided. To interject her voice, the operator holds the personal audio device proximate her mouth, however, the position of the microphone is varied as the personal audio device is moved relatively closer to, and relatively away from, her mouth. As a result, the audio quality is reduced. Stevenson neither describes nor suggests a headset as recited in either Claim 1 or Claim 5. Additionally, Applicants respectfully submit that Stevenson teaches away from a headset as recited in either Claim 1 or Claim 5 by providing an audio device having a built-in microphone.

Claim 8 recites a method for mixing and controlling sound, wherein the method includes “transmitting a first input signal from a headset to a processing unit...communicating a second input signal from a portable music generating device to the processing unit...processing at the

processing unit the at least one of the first and second input signals for generating an output signal...controlling the output signal of said processing unit by altering the amplification of at least one of the first and second input signals... transmitting the output signal to the headset.”

Stevenson does not describe nor suggest a method as recited in Claim 8. More specifically, Stevenson does not describe nor suggest transmitting a first input signal from a headset to a processing unit and transmitting an output signal to the headset. Rather, in contrast to the present invention, Stevenson describes a personal audio device configured to play back audio files and receive sounds or audio effects in the ongoing playback of the audio by operating one or more touch operators. The operator interjects the operators voice into the playback via a microphone integrally formed into the personal audio device. The playback of the audio is then transmitted to headphones. Notably, Stevenson is completely silent with respect to a headset, and transmitting output and input signals to and from the headset. Accordingly, for at least the reasons set forth above, Claim 8 is submitted to be patentable over Stevenson.

Claims 9-12 depend from independent Claim 8. When the recitations of Claims 9-12 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9-12 likewise are patentable over Stevenson.

Claim 14 recites a sound system including a sound board for receiving, processing, and transmitting sound and a portable studio system configured to communicate with the sound board, wherein the portable studio system includes “a headset comprising a headphone and a microphone configured to transmit a first input signal from a user’s voice...a music generation device configured to communicate a second input signal...a processing unit contained in a single housing, said processing unit electrically coupled with said headset and said music generation device for receiving said first and second input signals, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal, wherein the output signal is transmitted to said headphone...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Stevenson does not describe nor suggest a sound system as recited in Claim 14. More specifically, Stevenson does not describe nor suggest a headset having a microphone and a headphone. Accordingly, Stevenson does not describe or suggest a processing unit electrically coupled with a headset. Rather, in contrast to the present invention, Stevenson describes a personal audio device configured to play back audio files and receive sounds or audio effects in the ongoing playback of the audio by operating one or more touch operators. The operator interjects the operators voice into the playback via a microphone integrally formed into the personal audio device. The playback of the audio is then transmitted to headphones. Notably, the microphone and the headphones are separately provided from one another. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Stevenson.

Claims 15-22 depend from independent Claim 14. When the recitations of Claims 15-22 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15-22 likewise are patentable over Stevenson.

Turning specifically to Claim 18, Claim 18 recites that “said microphone and said headphone are coupled to one another such that a relative position of said microphone is configured to be fixed with respect to said headphones.” As noted above, Stevenson’s headphones and microphone are separately provided. To interject her voice, the operator holds the personal audio device proximate her mouth, however, the position of the microphone is varied as the personal audio device is moved relatively closer to, and relatively away from, her mouth. As a result, the audio quality is reduced. Stevenson neither describes nor suggests a headset as recited in either Claim 14 or Claim 18. Additionally, Applicants respectfully submit that Stevenson teaches away from a headset as recited in either Claim 14 or Claim 18 by providing an audio device having a built-in microphone.

The rejection of Claims 1-6, 8-12 and 14-22 under 35 U.S.C. § 102(b) as being anticipated by Ng et al. (U.S. Patent 6,328,570) (“Ng”) is respectfully traversed.

Ng describes a portable, programmable karaoke unit configured to store and retrieve data in compressed digital data format from an internal memory or a removable storage medium. The unit is operable by remote control and transmits audio data over radio frequencies. The unit may

display visual data on an internal or external display. Data can be downloaded for storage from external sources such as a digital system or the Internet. The karaoke unit includes several input ports and several output ports. For example, the unit includes an audio output port 140, a headphone output port 142, two microphone input ports 144, a video output port 146, a video input port 150, and a power port 155. *see col. 3, lines 56-59*. Additionally, Figure 3 illustrates an input from a microphone and a separate output to headphones. As such, the karaoke unit of Ng does not describe or suggest a headset as recited in the Claims.

Claim 1 recites an apparatus including “a headset comprising a microphone and a headphone...a music generation device...a processing unit contained in a single housing, said processing unit electrically coupled with said headset and said music generation device for receiving a first input signal from said microphone and a second input signal from said music generation device, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal, wherein the output signal is transmitted to said headphone to enable a user to hear the output...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Ng does not describe nor suggest an apparatus as recited in Claim 1. More specifically, Ng does not describe nor suggest a headset having a microphone and a headphone. Accordingly, Ng does not describe or suggest a processing unit electrically coupled with a headset. Rather, in contrast to the present invention, Ng describes a programmable karaoke unit having several input ports and several output ports wherein the unit has an input from a microphone and a separate output to headphones. As such, the karaoke unit of Ng does not describe or suggest a headset as recited in Claim 1. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Ng.

Claims 2-6 depend from independent Claim 1. When the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-6 likewise are patentable over Ng.

Turning specifically to Claim 5, Claim 5 recites that “said microphone and said headphone are coupled to one another such that a relative position of said microphone is configured to be fixed with respect to said headphones.” As noted above, Ng’s headphones and microphone are separately provided. To interject her voice, the operator holds the microphone proximate her mouth, however, the position of the microphone is varied as the microphone is moved relatively closer to, and relatively away from, her mouth. As a result, the audio quality is reduced. Ng neither describes nor suggests a headset as recited in either Claim 1 or Claim 5. Additionally, Applicants respectfully submit that Ng teaches away from a headset as recited in either Claim 1 or Claim 5 by providing headphones separate from the microphone.

Claim 8 recites a method for mixing and controlling sound, wherein the method includes “transmitting a first input signal from a headset to a processing unit...communicating a second input signal from a portable music generating device to the processing unit...processing at the processing unit the at least one of the first and second input signals for generating an output signal...controlling the output signal of said processing unit by altering the amplification of at least one of the first and second input signals... transmitting the output signal to the headset.”

Ng does not describe nor suggest a method as recited in Claim 8. More specifically, Ng does not describe nor suggest transmitting a first input signal from a headset to a processing unit and transmitting an output signal to the headset. Rather, in contrast to the present invention, Ng describes a programmable karaoke unit having several input ports and several output ports wherein the unit has an input from a microphone and a separate output to headphones. As such, the karaoke unit of Ng does not describe or suggest transmitting output and input signals to and from a headset as recited in Claim 8. Accordingly, for at least the reasons set forth above, Claim 8 is submitted to be patentable over Ng.

Claims 9-12 depend from independent Claim 8. When the recitations of Claims 9-12 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9-12 likewise are patentable over Ng.

Claim 14 recites a sound system including a sound board for receiving, processing, and transmitting sound and a portable studio system configured to communicate with the sound

board, wherein the portable studio system includes “a headset comprising a headphone and a microphone configured to transmit a first input signal from a user’s voice...a music generation device configured to communicate a second input signal...a processing unit contained in a single housing, said processing unit electrically coupled with said headset and said music generation device for receiving said first and second input signals, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal, wherein the output signal is transmitted to said headphone...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Ng does not describe nor suggest a sound system as recited in Claim 14. More specifically, Ng does not describe nor suggest a headset having a microphone and a headphone. Accordingly, Ng does not describe or suggest a processing unit electrically coupled with a headset. Rather, in contrast to the present invention, Ng describes a programmable karaoke unit having several input ports and several output ports wherein the unit has an input from a microphone and a separate output to headphones. As such, the karaoke unit of Ng does not describe or suggest a headset as recited in Claim 14. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Ng.

Claims 15-22 depend from independent Claim 14. When the recitations of Claims 15-22 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15-22 likewise are patentable over Ng.

Turning specifically to Claim 18, Claim 18 recites that “said microphone and said headphone are coupled to one another such that a relative position of said microphone is configured to be fixed with respect to said headphones.” As noted above, Ng’s headphones and microphone are separately provided. To interject her voice, the operator holds the microphone proximate her mouth, however, the position of the microphone is varied as the microphone is moved relatively closer to, and relatively away from, her mouth. As a result, the audio quality is reduced. Ng neither describes nor suggests a headset as recited in either Claim 14 or Claim 18.

Additionally, Applicants respectfully submit that Ng teaches away from a headset as recited in either Claim 14 or Claim 18 by providing headphones separate from the microphone.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-6, 8-12 and 14-22 be withdrawn.

The rejection of Claims 7 and 13 under 35 U.S.C. § 103 as being unpatentable over Stevenson is respectfully traversed.

Stevenson is described above.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, the mere assertion that it would have been obvious to one of ordinary skill in the art to have modified Stevenson to obtain the claimed recitations of the present invention does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art and the Applicants given the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection.

Further, and to the extent understood, Stevenson does not describe nor suggest the claimed combination. Specifically, Claim 7 depends from Claim 1 which, for the reasons stated above, is patentable over Stevenson. When the recitations of Claim 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 7 likewise is patentable over Stevenson.

Additionally, Stevenson does not describe nor suggest the claimed combination of Claim 15. Specifically, Claim 15 depends from Claim 14 which, for the reasons set forth above, is patentable over Stevenson. When the recitations of Claim 15 are considered in combination with

the recitations of Claim 14, Applicants submit that dependent Claim 15 likewise is patentable over Stevenson.

The rejection of Claims 7 and 13 under 35 U.S.C. § 103 as being unpatentable over Ng is respectfully traversed.

Ng is described above.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, the mere assertion that it would have been obvious to one of ordinary skill in the art to have modified Ng to obtain the claimed recitations of the present invention does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art and the Applicants given the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection.

Further, and to the extent understood, Ng does not describe nor suggest the claimed combination. Specifically, Claim 7 depends from Claim 1 which, for the reasons set forth above, is patentable over Ng. When the recitations of Claim 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 7 likewise is patentable over Ng.

Additionally, Ng does not describe nor suggest the claimed combination of Claim 15. Specifically, Claim 15 depends from Claim 14 which, for the reasons set forth above, is patentable over Ng. When the recitations of Claim 15 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claim 15 likewise is patentable over Ng.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 7 and 15 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reeser, III', written over a horizontal line.

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